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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,593	12/30/2003	Dan M. Mihai	EIS-5909G (1417G P 983)	8680
29200 7590 08/19/2008 BAXTER HEALTHCARE CORPORATION 1 BAXTER PARKWAY DF2-2E DEERFIELD, IL 60015				
EXAMINER				
LUBIN, VALERIE				
ART UNIT		PAPER NUMBER		
3626				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,593

Applicant(s)

MIHAI ET AL.

Examiner

VALERIE LUBIN

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/02)
Paper No(s)/Mail Date 8/6/2004, 7/25/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: EAST search history

DETAILED ACTION

Acknowledgements

1. Claims 1-25 are pending

For reference purposes, the document paper number is 20080811

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Independent claims 1, 10, 21 and 24 are directed to systems comprising computers and terminal devices. However, the claims also contain limitations directed to methods or process steps such as a "request generated...and received by" in claims 1 and 21, and "a first computer request message generated..." in claims 10 and 24. The metes and bound of the claims are unclear, as Applicant appears to be claiming both system components and method steps (IPXL Holdings LLC v. Amazon.com Inc., 77 USPQ2d 1140 (CA FC 2005); Ex parte Lyell, 17 USPQ2d 1548 (B.P.A.I. 1990)).

Claims 2-9, 11-20, 22, 23 and 25, as dependents of claims 1, 10, 21 and 24, are also rejected under the above analysis.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. Claim 8 recites providing a signal to add additional data to the response message generated by the second central computer. However, Applicant's disclosure does not provide adequate information, as to how such a signal triggers adding data to a response message.

Claim 9, as a dependent of claim 8 is rejected under the above analysis also.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Engleson et al., U.S. Patent No. 5,781,442 in view of Mayaud. U.S. Patent No. 5,845,255.

10. With respect to claim 1, Engleson recites a first central computer attached to a network (Col. 2 lines 40, 41; col. 15 line 40); a second central computer attached to the first central computer via a communication link (Col. 2 lines 41, 42; col. 15 lines 45, 61-62), and a terminal device comprising a visual display (Col. 2 lines 42, 43; col. 5 lines 64-66). Engleson also recites the second computer downloading data to the first computer such data to program and operate a terminal device (Col. 16 lines 1-4).

Engleson does not specifically recite a request message being generated by the terminal device; however, Mayaud does (Fig. 16; col. 15 lines 26-36; col. 47 lines 62-67). Mayaud also recites a host computer retrieving multiple elements from different databases to present into one record to the terminal device (Col 15 lines 26-36; col. 47 lines 62-67; col. 48 lines 52-60). It would therefore have been obvious to one of ordinary skill in the art to combine the teachings of Engleson and Mayaud to retrieve data from databases on at least one third computer in order to obtain patient records. By combining the method of Engleson and Mayaud, a user would indeed be able to access data from different databases located in third party computers; Mayaud's host computer would receive the different data pieces and combine them with the additional data provided by the other databases in order to present the final data to the terminal device.

Claims 6 and 7 are rejected under the analysis of claim 1.

Claims 21 and 23 are also rejected under the analysis of claim 1, as Engleson recites prescription comparison results (Col. 2 lines 63-66) and infusion pump data being transmitted (Col. 6 lines 54-56).

11. Claim 2 is rendered obvious, as Mayaud discloses validating a request (Col. 18 lines 66-67).

Claim 22 is rejected under the analysis of claim 2.

12. Claim 3 is rejected as Engleson recites a communication link between two computers (Col. 15 lines 62-63).

13. Claim 4 is rendered obvious, as Mayaud discloses the host computer accessing information through the Internet and communicating with the terminal device (Col. 45 lines 64-66; col. 46 lines 23-31 and col. 48 lines 1-8). A predictable of Mayaud would therefore be for a user of the terminal device or PDA to use a browser to request data, view or navigate through the data received from the host computer (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007)).

14. Claim 5 is rejected, as Mayaud discloses the host computer maintaining a database (Col. 47 lines 18-21) and Engleson also recites a first computer storing data (Col. 15 lines 40-43).

15. Claim 8 is rendered obvious because Engleson discloses a computer providing signals to another computer (Col. 6 lines 44-51; col. 9 lines 63-66; col. 10 lines 8-12).

16. Claim 9 is also rendered obvious, as Engleson recites a signal or alert to display a response message (Fig. 12; col. 9 lines 63-67 and col. 10 lines 1-2). A predictable result of

Engleson would therefore be to format the message for display (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007)).

17. With respect to claim 10, Engleson discloses at least three computers with one computer connected to medical or clinical devices attached to patients (Col. 2 lines 39-47). Engleson does not specifically recite a first computer generating a request, but Mayaud discloses a request message from a terminal device to a computer, and the computer generating a response to the request (Col. 15 lines 26-36). Mayaud also recites a computer combining data from different databases to communicate to the terminal device (Col. 15 lines 26-36). It would therefore have been obvious to one of ordinary skill in the art to obtain such data elements from databases located on second or other computers, with the first computer adding elements together from those other computers in order to present a complete data record to a user.

Claims 16 -18 are rejected under the analysis of claim 10.

Claim 24 is rejected under the analysis of claim 10, as Engleson recites prescription comparison results (Col. 2 lines 63-66) and infusion pump data being transmitted (Col. 6 lines 54-56).

18. Claim 11 is rejected, as Mayaud recites an application on the system and host computer (Col. 46 lines 23-31).

19. Claim 12 is rendered obvious, as Mayaud discloses validating a request (Col. 18 lines 66-67).

20. Claim 13 is rejected as Engleson recites a communication link between two computers (Col. 15 lines 62-63).

21. Claim 14 is rendered obvious, as Mayaud discloses the host computer accessing information through the Internet and communicating with the terminal device (Col. 45 lines 64-66; col. 46 lines 23-31 and col. 48 lines 1-8). A predictable of Mayaud would therefore be for a user of the terminal device or PDA to use a browser to request data, view or navigate through the data received from the host computer (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007)).

22. Claim 15 is rejected, as Mayaud discloses the host computer maintaining a database (Col. 47 lines 18-21) and Engleson also recites a first computer storing data (Col. 15 lines 40-43).

23. Claim 19 is also rendered obvious, as Engleson recites a signal or alert to display a response message (Fig. 12; col. 9 lines 63-67 and col. 10 lines 1-2). A predictable result of Engleson would therefore be to format the message for display (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007)).

24. Claim 20 is rejected, as Engleson recites a system located in a health facility (Col. 1 lines 5-8) and so does Mayaud (Col. 46 lines 41-45).

25. Claim 25 is rejected, as Engleson discloses a computer displaying data on a screen in response to parameters sent by another computer (Col. 6 lines 46-51; col. 9 lines 63-67), and so does Mayaud (Col. 47 lines 62-67).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) DiRienzo et al., U.S. Patent No. 6,076,066 recites two computers connected to each other and data passing from the first to the second and transmitting combined data to a third computer.

b) Martucci et al. U.S. Patent No. 6,985,870 recites limitations found in some of Applicant's claims.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VALERIE LUBIN whose telephone number is (571)270-5295. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VL

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626